

TRO Exhibit 3

DECLARATION OF EDWARD R. BLONZ, PH.D.
Pursuant to 28 U.S.C. § 1746

I, Edward R. Blonz, hereby declare as follows:

1. As detailed in my curriculum vitae, a true and accurate copy of which is attached hereto as Attachment 1, I hold an M.S. and Ph.D. in Nutrition, and am engaged in analyzing, writing, speaking and electronically disseminating science-based information to organizations and the public about issues on nutrition, foods and health, including weight loss and dieting. I am currently an Assistant Clinical Professor in the Department of Clinical Pharmacy at the University of California, San Francisco. I am a member of the American Society for Nutrition, have been elected a Fellow of the American College of Nutrition, and a Fellow of The Obesity Society. I have authored or coauthored, and published, 11 science research papers and seven books, as well as numerous articles in lay publications relating to nutrition, diet and health. I am the recipient of the James Beard Foundation Award for writing on diet, nutrition and health. I also won approximately 26 awards for the accuracy and reliability of my website, The Blonz Guide (<http://blonz.com>), which lists reliable resources in nutrition, foods and health. Based upon my education, training and experience, as further described in Attachment 1, I consider myself to be an expert in the fields of foods, nutrition, dietary supplements and their impact on health.
2. This declaration was developed upon request from the Federal Trade Commission ("FTC"), and it contains information pertaining to two dietary supplement products. The first product, "Acai Product 1," is an acai-based dietary supplement that may be named

Acai Lipo, Acai Reduce, Slim Acai or a similar product using a different name.¹ The second, “Cleanse Product 2,” is a “colon cleanse” dietary supplement that may be named Max Cleanse Pro, or Get Slim Colon Cleanse, or it may be a similarly-purposed “cleanse” product using a different name. I have personal knowledge of the matters contained in this declaration, and if called as a witness, I could and would competently testify as to the matters discussed herein. To assist in this task I have been supplied with materials associated with this product.

Scope of Declaration

3. The FTC has asked me to address the following issues for Acai Product 1 and Cleanse Product 2, collectively referred to as “The Products,” based on my professional experience and knowledge, a review of materials submitted, and a search and review of the scientific literature:
 - a. Whether the use of each product or the ingredients therein, whether taken individually or in combination, can result in rapid and substantial weight loss, including as much as a loss of 25 pounds in four weeks (hereinafter, “the claimed rate of weight loss”) without dieting or intense exercise; and
 - b. Whether I am aware of any scientific studies, including any double-blind, placebo- controlled weight loss studies in the medical literature showing that each product or any of the components therein, whether individually or in combination, cause rapid and substantial weight loss without dieting or intense exercise.

¹ “Acai Lipo” was the product name on the promotional advertisements (Attachment 2), and the name of the product that was ordered; “Acai Reduce” was the name on the label of the product received. For the purpose of this declaration, these will be considered as equivalent and will be referred to as “Acai Product 1.”

Summary of Conclusions

4. Based on an analysis of the claims associated with The Products, a review of information in the scientific literature on the ingredients in Acai Product 1 and Cleanse Product 2, and my understanding of the physiological process of weight loss as discussed in this report, any statement that any level of intake of Acai Product 1, Cleanse Product 2, whether taken individually or in combination, can result in the claimed rate of weight loss without dieting or intense exercise is false.²
5. Based on an analysis of the claims associated with The Products, a review of information in the scientific literature on the ingredients in Acai Product 1 and Cleanse Product 2, there are no scientific studies, including double-blind, placebo-controlled weight loss studies, showing that each product or any of the components therein, whether taken individually or in combination, can cause rapid and substantial weight loss without dieting or intense exercise.¹

What I reviewed

6. The following materials were received:
 - a. A ten-page printout out of a website advertisement titled
“breakingnewsat6_2011_3_10” Each page has the following information as part
of the uniform resource locator (URL) identifier at the bottom:

<http://www.breakingnewsat6.com/health/20258769/> [Attachment 2]

² The advertisements for The Products refer to an unqualified claim to experience a rate of weight loss with no intense exercise, but “intense exercise” is not defined. For purposes of this declaration and as detailed in Paragraph 51 below, it has been calculated that it would require the equivalent of running 25 or more miles a day, without any additional caloric intake, to create a caloric deficit needed to bring about the claimed rate of weight loss. Such an extreme requirement exceeds any reasonable definition of “intense exercise.”

- b. One bottle of Acai Product 1: “Acai Reduce” (Lot 0111009 Exp 1/13) in its original packaging[Photographs of bottle as Attachment 3];
 - c. One bottle of Cleanse Product 2: “Max Cleanse Pro” (Lot HBPS1109-097, Best if used by Feb 2014) [Photographs of bottle as Attachment 4].
7. In addition to the materials detailed in Paragraph 6, I have searched for applicable peer-reviewed research in the following scientific resource collections. In this report any reference to a search of the scientific literature refers to a search of these resources:
- a. The National Library of Medicine at <http://www.pubmed.gov> (last visited March 31, 2011); and
 - b. The Natural Medicines Comprehensive Database at <http://www.naturaldatabase.com> (last visited March 31, 2011).

Identification of The Products and their active ingredients

8. Acai Product 1: Acai Reduce

According to the product label, the serving size of Acai Product 1 is 2 capsules, the recommended usage is: “Take 2 capsules once a day after your morning meal.” As per the label, each serving contains the following components:

Acai Fruit (4:1 extract).....	250 milligrams
Green Tea Extract	200 milligrams
Garcinia Cambogia (50% HCA).....	100 milligrams
Caffeine (anhydrous)	50 milligrams
Apple Cider Vinegar (powder)	50 milligrams
Kelp	50 milligrams
Grapefruit (as powder).....	50 milligrams

9. Cleanse Product 2: Max Cleanse Pro

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According to the product label, the serving size of Cleanse Product 1 is 1 capsule, the suggest use is: “Take one (1) capsule with breakfast and a glass of water. Do not exceed six (6) capsules daily.” As per the label, each serving contains the following components:

Colon Flush Proprietary Blend.....490 milligrams³

Psyllium (*Plantago psyllium*) (husk), Fennel (*Foeniculum vulgare*) (seed),
Licorice (*Glycyrrhiza uralensis*)(root), Aloe Vera (*Aloe barbadensis*) (leaf),
Grapefruit (*Citrus paradisi*) (seed), Papaya (*Carica papaya*) (fruit), Slippery Elm
(*Ulmus rubra*) (bark), Marshmallow (*Athaea officinalis*) (root), Rhubarb (*Rheum
officinale*) (root), Alfalfa (*Medicago sativa*) (root), Guar Gum (*Cyamopsis
tetragonoloba*) (seed), Peppermint (*Mantha piperita*) (leaf), Uva Ursi
(*Arctostaphylos uva-ursi*) (leaf)

Identification of product-related weight-loss claim and associated dose

10. The document cited in Paragraph 6a (Attachment 2) lists the dose of Acai Product 1 and Cleanse Product 2 and a claimed weight loss that was achieved during a 4-week period.
11. The required dose is described as follows;
 - Take one Acai Lipo pill per day⁴
 - Take one Max Cleanse Pro pill per day⁵
12. Below this was a weekly chronicle of results. Under the entry for Week Four, it states:

³ No breakdown is provided regarding the levels of the various components in the Proprietary Blend.

⁴ The Supplement Facts label on Acai Product 1 (Acai Reduce) states that the serving size is 2 capsules. Recommend usage is “Take 2 capsules once a day after your morning meal.” (Attachment 3).

⁵ The Supplement Facts label on Cleanse Product 2 (Max Cleanse Pro) states that the serving size is 1 capsule. Recommended usage “Take one (1) capsule with breakfast and a glass of water.” (Attachment 4).

- After the fourth week, my results were shocking. I lost an unbelievable 25 lbs. since starting the Acai Lipo and Max Cleanse Pro diet!

13. The following statements appear in a bolded large font at the end of the chronicle:

- I couldn't be any happier with the results.
- I Lost 25 lbs in 4 weeks. No Special Diet. No Intense Exercise

Additional product-specific claims

14. Acai Product 1, as stated on Attachment 2, Page 1:

Here is what Acai Lipo claimed on their website . . .

- Accelerates Fat Loss
- 4 Times More Weight Loss than Diet And Exercise
- Boosts Energy
- Rich in Antioxidants

15. Cleanse Product 2, as stated on Attachment 2, Page 1:

Here is what Max Cleanse Pro claimed on their website . . .

- Helps Eliminate Bad Toxins that have Built Up Over the Years
- Removes 'Sludge' from the Walls of the Colon
- Helps Get Rid of Gas and Bloating
- Helps to Regulate the Metabolism

Analysis of the ingredients in relation to the claimed weight loss effect: Acai Product1

16. Acai Fruit (4:1 extract) is in Acai Product 1: Acai (Phonetic: ah-sah-EE) refers to the fruit from the Acai palm, *Euterpe oleracea*, which is native to Central and South America. There is not one study in the scientific literature reporting any effect of the

acai berry or an acai berry extract, on weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss.

The acai berry has characteristics of a healthful food, but any statement that an extract of this fruit, when taken by itself or in combination with the other ingredients in The Products, can bring about the claimed rate of weight loss is false and unsubstantiated in the scientific literature.

17. Green Tea Extract is in Acai Product 1: Extracts of green tea contain caffeine and polyphenols. Polyphenols represent a large of group chemical substances. One of the polyphenols typically found in green tea is EGCG (epigallocatechin gallate). This is a substance that has been investigated for its weight loss potential but there is no solid evidence associating green tea extract with weight loss. Any statement that green tea extract, taken by itself or in combination with the other ingredients in The Products, can bring about the claimed rate of weight loss is false and unsubstantiated in the scientific literature.
18. Garcinia Cambogia (50% HCA) is in Acai Product 1: This is an herb that contains salts of hydroxycitric acid (HCA), a substance that competitively blocks ATP-citrate-lyase, an enzyme involved with de novo synthesis of fatty acids.⁶ A low-fat diet is a key element with Garcinia cambogia as there is no evidence that HCA will have an effect when excess calories are present as fat. However, Acai Product 1 does not include instructions to consume a lower fat diet. For any theoretical efficacy from Garcinia cambogia it is

⁶ Heymsfield SB et. al. Garcinia cambogia (hydroxycitric acid) as a potential antiobesity agent: a randomized controlled trial. JAMA. 1998 Nov 11;280(18):1596-600.

also essential that it be taken 30 – 60 minutes before mealtime, this to maximize the chance that the HCA will be bound to the fat-synthesizing enzyme when excess carbohydrate and protein calories (i.e., non-fat calories) would be present and normally converted to lipid as a prelude to storage. The directions included with Acai Product 1 state that it be taken after the morning meal, thus further negating any possible contribution of this substance to any weight loss effect. Any statement that *Garcinia cambogia*, taken by itself or in combination with the other ingredients in The Products, can bring about the claimed rate of weight loss is false and unsubstantiated in the scientific literature.

19. Caffeine (anhydrous) is in Acai Product 1: Caffeine can stimulate the burning of calories (thermogenesis) particularly when consumed by individuals who either have no previous experience with this drug, or have been off it for a time. When consumed on a regular basis the body becomes tolerant to the stimulant effects of caffeine, this occurring in approximately 5 to 7 days.⁷ Any statement that caffeine, taken by itself or in combination with the other ingredients in The Products, can bring about the claimed rate of weight loss is false and unsubstantiated in the scientific literature.
20. Apple Cider Vinegar (powder)⁸ is in Acai Product 1: Apple cider vinegar contains no essential nutrients or phytochemicals. There is no objective evidence that an apple cider vinegar powder, at the level provided in Product 1, will have any significant effect

⁷ Benowitz NL. Clinical pharmacology of caffeine. *Ann. Rev. Med.* 1990;41:277-88.

⁸ According to the USDA database, 50 milligrams of apple cider vinegar solids (powder) would be the equivalent of what would be found in 1/5 of one teaspoon liquid apple cider vinegar. (1 teaspoon of apple cider vinegar weighs 5,000 milligrams, of which 4,690 milligrams is water; this leaves 310 milligrams of solids; 50 divided by 310 equals 0.19).

whatsoever on body weight in humans; any statement to this effect is false and unsubstantiated in the scientific literature.

21. Kelp is in Acai Product 1: Kelp is source of iodine, an essential mineral used by the body to make thyroid hormone, a hormone involved with regulating metabolism. The normal human thyroid tolerates variances in iodine intake. In an otherwise normal individual, taking above the required intake of iodine does not result in the production of additional thyroid hormone. Any statement that kelp, when taken by itself or in combination with other ingredients in The Products, can bring about the claimed rate of weight loss is false and unsubstantiated in the scientific literature.
22. Grapefruit (as powder)⁹ is in Acai Product 1: There is no basis to suggest that the powdered grapefruit has any significant weight loss effect. Any statement that the grapefruit powder, when taken by itself or in combination with other ingredients in The Products, can bring about the claimed rate of weight loss is false and unsubstantiated in the scientific literature.

Analysis of the “Colon Flush Proprietary Blend” ingredients in relation to the claimed weight loss effect: Cleanse Product 2

23. Psyllium (*Plantago psyllium*) (husk): The husk, or outer covering, of the psyllium seed is a source of dietary fiber and has been traditionally used to treat constipation or reduce cholesterol levels in patients with mild to moderate hypercholesterolemia. There are reports on an effect of psyllium husk on body weight, but it has involved intakes of 12

⁹ One cup of grapefruit juice contains approximately 25 grams of solids, the remainder being water.

grams 12 grams of fiber per day, which is 25 times the entire amount of the Proprietary Blend. At 12 grams of fiber per day the reported loss was 4 lbs over 3.8 months,¹⁰ which is well below the claimed rate of weight loss. There is no evidence in the scientific literature that psyllium will bring about the claimed rate of weight loss,¹¹ including no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the psyllium husk in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.

24. Fennel (*Foeniculum vulgare*) (seed): There is no evidence in the scientific literature that fennel seed contributes to weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the fennel seed in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.
25. Licorice (*Glycyrrhiza uralensis*)(root): There is no evidence in the scientific literature that the licorice root Cleanse Product 2 can contribute to weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to

¹⁰ Salas-Salvadó J, Farrés X, Luque X et al. Effect of two doses of a mixture of soluble fibres on body weight and metabolic variables in overweight or obese patients: a randomised trial. *Br J Nutr.* 2008 Jun;99(6):1380-7.

¹¹ Any reference to a loss of body weight refers to a loss of body fat (adipose).

weight loss. Any statement that the licorice root in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.

26. Aloe Vera (*Aloe barbadensis*) (leaf): There is no evidence that in the scientific literature that the aloe vera leaf in Cleanse Product 2 can contribute weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the aloe vera leaf in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.
27. Grapefruit (*Citrus paradisi*) (seed): There is no evidence in the scientific literature that grapefruit seed contributes to weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the grapefruit seed in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.
28. Papaya (*Carica papaya*) (fruit): There is no evidence in the scientific literature that papaya contributes to weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the papaya in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in

combination with the other components of The Products, will contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.

29. Slippery Elm (*Ulmus rubra*) (bark): There is no evidence in the scientific literature that slippery elm bark will contribute to weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the slippery elm bark in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.
30. Marshmallow (*Athaea officinalis*) (root): There is no evidence in the scientific literature that marshmallow root contributes to weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the marshmallow root in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.
31. Rhubarb (*Rheum officinale*) (root): There is no evidence in the scientific literature that rhubarb root contributes to weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the rhubarb root in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will contribute a

physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.

32. Alfalfa (*Medicago sativa*) (root): There is no evidence in the scientific literature that alfalfa root contributes to weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the alfalfa root in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.
33. Guar Gum (*Cyamopsis tetragonoloba*) (seed): There is no evidence in the scientific literature that guar gum seed contributes to weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the guar gum seed in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.
34. Peppermint (*Mantha piperita*) (leaf): There is no evidence in the scientific literature that peppermint leaf contributes to weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the peppermint leaf in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will

contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.

35. Uva Ursi (*Arctostaphylos uva-ursi*) (leaf): There is no evidence in the scientific literature that Uva Ursi leaf contributes to weight loss in humans, including there being no evidence of any cleanse or colon flush effect that might lead indirectly to weight loss. Any statement that the Uva Ursi leaf in the Colon Flush Proprietary Blend of Cleanse Product 2, by itself or in combination with the other components of The Products, will contribute a physiological effect producing the claimed weight loss is false and unsubstantiated in the scientific literature.

Cleanse Product 2: The theoretical concept of a “cleanse” effect contributing to weight loss.

36. There is no scientific basis behind an ability of a dietary supplement to “cleanse” the body, or to “eliminate toxins,” and through such a process contribute to weight loss. It is accepted that the most effective way to eliminate toxins is through avoidance. If, however, toxic substances have entered the body, the human body has various techniques to render them benign, including rejection, metabolism, biotransformation and/or detoxification. The organs the human body relies upon to accomplish these tasks include the liver, the kidneys, the skin, the lungs and the intestinal tract.¹² There are medical procedures that can assist with detoxification, but Cleanse Product 2 is a dietary

¹² Grey MR, Spaeth KR, Principles of Toxicology, Chapter 8, The Bioterrorism Sourcebook. McGraw Hill 2006.

supplement, which means it is orally ingested. A substance ingested orally could help “eliminate toxins” in the following ways¹³:

- a. Induce vomiting to get the toxin out of the body before it has a chance to have any toxic effect (Example: serum ipecac).
 - b. Bind with the toxin to make it unavailable for absorption from the intestinal tract into the body. (Example: activated charcoal).
 - c. Facilitate the passage of the toxin through the intestinal tract to decrease the potential for absorption into the body. (Example: cathartic and/or laxative).
37. A product that acts as a laxative can bring about a transient loss of body weight, but this is not the same as a loss of excess body fat, which is the assumed intention of a weight-loss diet (see Principles of Weight Control, *infra* Paragraphs 43-50). Laxative substances decrease the amount of fecal matter in the large intestine in queue for normal elimination. This can result in a temporary loss of physical weight that will be regained once the laxative substance is no longer taken. Unless done under close medical supervision, a continued taking of laxative substances is ill advised as it can bring about a condition known as laxative abuse in which there is a risk of chemical imbalances and a loss of bowel control.
38. A product that includes diuretics substances that can bring about a decrease in the amount of body water through an increased flow of urine from the body. A transient loss of physical weight can occur through the use of diuretics as such substances can reduce the

¹³ Hall JB, Schmidt GA, Wood LDH. Principles of Critical Care, Chapter 102. Toxicology in Adults. McGraw-Hill 2005.

amount of water in the body. This is not the equivalent of a weight loss that involves a loss of body fat from the adipose tissue, and the lost water weight is regained once the diuretic is no longer taken. Unless done under medical supervision, the continued taking of a diuretic is ill-advised as it can bring about electrolyte abnormalities.

39. There is no evidence to support any claim that Cleanse Product 2 will have an ability to “eliminate toxins.” Cleanse Product 2 does contain substances that can function as a laxative or diuretic at higher doses, but there is no evidence in the scientific literature that these components can bring about the claimed rate of weight loss.
40. Any statement that Cleanse Product 2, when taken by itself or in combination with other ingredients in The Products, can bring about the claimed rate of weight loss is false and unsubstantiated in the scientific literature.

Analysis of the additional product-specific claims: Acai Product 1

41. As indicated in Paragraph 14 above, the promotional advertisement (Attachment 2) also states that Acai Product 1: 1) will accelerate fat loss; 2) will provide 4 times more weight loss than diet and exercise; 3) will boost energy; and 4) is rich in antioxidants. There is no evidence in the scientific literature that the ingredients in Acai Product 1, when taken alone or in combination with the ingredients in Cleanse Product 2 will produce any of these effects in individuals taking these products. These four statements are false and unsupported in the scientific literature.

Analysis of the additional product-specific claims: Cleanse Product 2

42. As indicated in Paragraph 15 above, the promotional advertisement (Attachment 2) also states that Cleanse Product 2: 1) helps eliminate bad toxins that have built up over the

years; 2) removes ‘sludge’ from the walls of the colon; 3) helps get rid of gas and bloating; and 4) helps to regulate the metabolism. There is no evidence in the scientific literature that the ingredients in Cleanse Product 2, when taken alone or in combination with the ingredients in Acai Product 1, will provide any of these effects for individuals taking these products. These four statements are false and unsupported in the scientific literature.

Principles of weight control

43. The difference between energy intake/absorption and energy output, i.e., energy balance, is the ultimate determinant of weight change. Weight gain results when the energy intake/absorption is greater than the energy used by the body; this can be referred to as an “energy excess.” Weight loss results when the energy intake/absorption is less than that used by the body, this can be referred to as an “energy deficit.”
44. Excess body weight refers to an excess of energy stored as fat in the adipose tissue of the body, commonly referred to as “body fat.” For the purposes of this declaration, “excess weight,” “weight loss,” or references to a number of pounds or kilograms in relation to weight loss, all make specific reference to amounts of body fat.
45. A common unit of energy is the calorie. The kilocalorie (kcal) is a unit of energy defined as the amount of heat needed to raise one kilogram of water one degree centigrade. This is the “calorie” commonly referred to in the scientific literature and in discussions of body weight and the energy contained in foods. In this report, the terms calorie and kilocalorie (kcal) will be considered as equivalent.

46. Weight loss results when an individual eats and/or absorbs fewer calories than the body requires thus creating an “energy deficit.” Ways in which an “energy deficit” can be brought about include:
- a. A diet that involves fewer than the required amount of calories being consumed;
 - b. A diet that holds caloric intake constant with an intervention causing fewer than the required amount of ingested calories from being absorbed and/or retained; and/or
 - c. A diet that holds caloric intake at a level needed to maintain body weight at rest, but there is an increase in caloric expenditure, such as through increased physical activity.
47. There are physiological limits to the rate at which an individual can lose weight. The loss of one pound of body fat requires a cumulative energy deficit of approximately 3,500 calories. To maintain body weight, the average adult ingests 2,000-2,500 calories per day¹⁴ with some variance according to age, sex, weight and physical activity level.¹⁵ Restricting caloric intake to a level below that needed to maintain body weight is an accepted method to create a caloric deficit and thus bring about weight loss.
48. There are other methods that can bring about a transient loss of body weight without producing a loss of body fat:

¹⁴ Drewnowski A. Obesity and the food environment: dietary energy density and diet costs. Am J Prev Med. 2004 Oct;27(3 Suppl):154-62.

¹⁵ Ravussin E, Lillioja S, Anderson TE, Christin L, Bogardus C. Determinants of 24-hour energy expenditure in man. Methods and results using a respiratory chamber. J Clin Invest. 1986 Dec;78(6):1568-78.

- a. Laxative substances can decrease the amount of fecal matter in the large intestine awaiting normal elimination. Laxatives can bring about a temporary loss of physical weight, but this is not the equivalent of a weight loss that involves a loss of body fat from the adipose tissue.
 - b. Diuretics are substances that can bring about a net loss of body water through an increased flow of urine from the body. A transient loss of physical weight can occur through the use of diuretics as such substances can reduce the amount of water in the body. This is not the equivalent of a weight loss that involves a loss of body fat from the adipose tissue.
49. For the purpose of this declaration weight loss is considered rapid if it occurs at a rate of 2 pounds a week or greater.
50. For the purpose of this declaration weight loss is considered substantial if it results in a loss of at least 10% of the initial body weight, and a minimum of 30 pounds.

What it would take to lose weight at the claimed rate.

51. There would be physiological requirements to accomplish weight loss at a rate of 25 pounds in four weeks. Such requirements would be based on the following logic:
- a. The average adult ingests 2000-2500 calories per day¹⁶ with some variance according to age, sex, weight and physical activity level.¹⁷

¹⁶ Drewnowski A. Obesity and the food environment: dietary energy density and diet costs. Am J Prev Med. 2004 Oct;27(3 Suppl):154-62.

¹⁷ Ravussin E, Lillioja S, Anderson TE, Christin L, Bogardus C. Determinants of 24-hour energy expenditure in man. Methods and results using a respiratory chamber. J Clin Invest. 1986 Dec;78(6):1568-78.

b. As has been explained in the “Principles of Weight Control” above, weight loss occurs when the body takes in fewer calories than it requires, i.e., when there is a caloric deficit. A pound of body fat contains approximately 3,500 calories of stored energy.

c. As indicated in Paragraph 13 the claim is that taking The Products can bring about a loss of body weight of 25 pounds in 4 weeks (28 days). For this to occur there would need to be a deficit of 3,125 calories per day. The calculation of this deficit is as follows:

(-) 25 lbs. of body fat per week x 3,500 calories per pound = (-) 87,500 calories per 4 weeks (28 days); and

(-) 87,500 calories divided by 28 days = (-) **3,125 calories per day.**

d. Using running as a way to illustrate caloric expenditure, a 200 pound individual would need to run approximately 25 miles each day to burn an additional 3,125 calories over that needed for normal daily activities.¹⁸

e. According to the advertisement for The Products (Attachment 2) and as discussed in Paragraph 13, *supra*, weight loss from The Products purportedly occurs without any special diet or intense exercise. However even under conditions of a complete starvation fast, where no calories are consumed, the reported loss of

¹⁸ Running equivalents for a 200 lb individual from “Calorie Counter by Distance” at “Run The Planet,” website at <http://www.runtheplanet.com/resources/tools/calculators/caloriecounter.asp>.

body weight over the long term occurs at a rate of only 0.66 pounds (2,310 calories) per day.¹⁹

- f. Any claim or suggestion that the use of The Products can bring about a caloric deficit of 3,125 calories per day is clearly outside the realm of plausible science.

Scientific assumptions used in this declaration

52. The ideal for support in scientific research is a clinically significant finding in a randomized double-blind, placebo-controlled, clinical study, with these results being published in a peer-reviewed scientific journal. Findings should be confirmed by independent investigations at another research institution. Support of this nature provides dependable findings that are free of bias introduced by either the subject or the researcher. My explanation for the importance of these elements is as follows:

- a. Randomization: Subjects are randomly assigned to either the group receiving the active treatment or a group receiving a placebo; neither the researcher nor the subject has any say over the assignment.
- b. Placebo: An inactive treatment that resembles the real treatment in every way possible. The use of a placebo treatment helps eliminate any error resulting from subject or researcher expectations that the treatment should produce an effect. For example, a dietary supplement may result in a loss of weight, but weight loss may also occur if only a placebo pill were used. To conclude with confidence that the treatment, and not the expectation, is responsible for any observed effect,

¹⁹ Kerndt PR, Naughton JL, Driscoll CE, Loxterkamp DA. Fasting: The history, pathophysiology and complications. West J Med. 1982 Nov;137(5):379-99.

the weight loss experienced by those taking the treatment would have to be statistically significantly greater than the weight loss experienced by those taking the placebo.

- c. Double Blind: Throughout the randomization and data collection phase of the experiment, neither the subjects nor the researcher know who is receiving the active treatment and who is receiving the placebo.
- d. Peer-reviewed journal: Prior to acceptance for publication, the study undergoes a critical review by independent scientists having expertise in the area being investigated.
- e. Statistically Significant: Tests of statistical significance tell you whether the findings are mathematically reliable. In order to state that the observed difference is statistically significant, it must be large enough so that it could not be explained by chance alone. Tests are conducted to determine whether the probability (“p”) is less than 1 in 20 that the difference might have happened by chance. This is normally expressed as a $p < 0.05$, or “statistically significant at the 5% level.” This is the minimum standard needed for observed differences to be categorized as statistically significant. In this report, any reference to a study result as significant, refers to statistical significance at no less than the $p < 0.05$ level.
- f. Clinically Significant: Clinical significance addresses the important issue of whether a treatment effect is worth the effort. A result can be statistically significant but not be clinically significant because it is very small or because it is

not a clinically important outcome. Assessments of clinical significance are made by those having expertise in the area being studied. For example, a study by Gougeon R. et al. reported a significant acute thermic effect from Citrus aurantium, a substance found in The Products, but the authors concluded that the effect was not clinically significant as it would amount to an estimated loss of only 2.2 pounds of body weight over a six month period.²⁰


g. Confirmation by independent researchers: When results are a departure from existing knowledge, they need to be confirmed by independent researchers at different institutions to eliminate any possibility of methodological error or bias.

53. Advertising claims relate to specific products and specific directions for use. Scientific proof affirming an advertising claim would involve support from research describing objective tests utilizing (a) comparable intake(s) of the same substance(s) under similar conditions using similar populations for which the advertising claims are made.
54. Any physiological mechanism purported to be an effect from a product or a product ingredient requires a study-based confirmation of the mechanism, together with a scientific basis to conclude that this effect will be present when the product is used as directed.

²⁰ Gougeon R, Harrigan K, Tremblay JF, Hedrei P, Lamarche M, Morais JA. Increase in the thermic effect of food in women by adrenergic amines extracted from citrus aurantium. *Obes Res.* 2005 Jul;13(7):1187-94 (Documents 0000168-175).

55. A report that is published as a scientific meeting abstract is not considered peer-reviewed research evidence unless the results from the complete study have been published in a peer-reviewed scientific journal.
56. Weight loss studies using animal models can be suggestive of mechanisms or effects that may or may not be present in humans. Such research does not, by itself, provide scientific support for advertising claims for products being used by humans.
57. Epidemiological studies gather information on factors associated with observed patterns of disease in populations; they are insufficient to substantiate cause and effect. Therefore, reports of such studies are not sufficient, in and of themselves, to establish scientific proof of a product's effectiveness.
58. Testimonials from consumers do not constitute scientific evidence of product efficacy.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 5, 2011 in Kensington, California.



Edward R. Blonz, Ph.D.

Attachments

Attachment 1: CV, Edward R. Blonz, Ph.D.

Attachment 2: A ten-page printout out of a website advertisement titled

“breakingnewsat6_2011_3_10” Each page has the following information

as part of the uniform resource locator (URL) identifier at the bottom:

<http://www.breakingnewsat6.com/health/20258769/>

Attachment 3: Photographs of a bottle of Acai Product 1: Acai Reduce (Lot 0111009 Exp 1/13).

Attachment 4: Photographs of a bottle of Cleanse Product 2: Max Cleanse Pro (Lot HBPS1109-097, Best if used by Feb 2014).

Attachments

Attachment 1: CV, Edward R. Blonz, Ph.D.

EDWARD R. BLONZ, Ph.D

139 Purdue Avenue, Kensington, California 94708
(510) 525-6925 *phone/fax* (510) 747-8676 *mobile/message*
ed@blonz.com

EDUCATION

Ph.D., Nutrition, University of California-Davis, December 1983
M.S., Nutrition, University of California-Davis, December 1977
B.A., Psychology, University of Wisconsin-Madison, June 1971.

PROFESSIONAL ACTIVITIES

- 2009 - **ASSISTANT CLINICAL PROFESSOR**, Department of Clinical Pharmacy, 521 Parnassus Avenue, University of California, San Francisco, CA 94143
- 1990 - **PRINCIPAL**, Edward R. Blonz, 139 Purdue Avenue, Kensington, CA 94708-1032 (510) 525-6925.
- Consultant and Expert Witness specializing in nutritional, biochemical and physiological issues relating to the use, effects and claims made for foods, dietary supplements, related compounds and devices. Clients include the Federal Trade Commission, U.S. Department of Justice, Attorneys General of 27 states and the District of Columbia, and City and District Attorneys in state of California.
 - Dietary Supplement Safety Committee, (Founding member and Chair) ad hoc committee of nutritionists, physicians, pharmacists, researchers, attorneys, journalists and allied health professionals.
 - Scientific journalist and public speaker. Nationally syndicated newspaper columnist (United Features Syndicate) Author: Seven books for the general public on nutrition, foods and health. Creator of The Blonz Guide (<http://blonz.com>), an award winning website listing reliable resources in nutrition, foods and health. Editorial Board: Berkeley Wellness Letter.
 - Former Member (Appointed): 1) Dietary Supplement Subcommittee of the Food Advisory Committee; FDA, Center for Food Safety and Applied Nutrition; U.S. Department of Health and Human Services. 2) Health Fraud Task Force of California, a collaborative FDA interagency task force focused on research, networking and consumer education.
- 1998 - 2000 **DIRECTOR OF NUTRITION / SCIENCE DIRECTOR**, More.com (formerly greentree.com), 520 3rd Street, San Francisco, CA (415) 979-9597
- Science Director; involved in science-accurate content creation for e-commerce site focusing on nutrition, health, wellness and pharmacy.
 - Scientific reviewer, member of Scientific Advisory Board, consultant for online resources and strategic decisions involving selection of content providers.
 - "Ask Dr. Blonz," an interactive feature, responding to issues in nutrition, health, dietary supplements and wellness.

- 1987-1990 **ADMINISTRATIVE PROJECT MANAGER**, Metabolic Research Unit, USDA Western Human Nutrition Research Center, Presidio of San Francisco, CA 94129.
- Administrator of Nursing, Dietary, Health and Safety, Data Processing and Administrative Support Services; responsibilities included management, personnel and fiscal affairs for all areas involved in contract operation of USDA Metabolic Research Unit.
 - Responsible for staff recruitment, delegation, supervision of quality control program and motivation among five Department Heads and staff of 30.
- 1984-1987 **ASSISTANT PROFESSOR**, University of Minnesota, Department of Food Science and Nutrition, 1334 Eckles Ave, St. Paul, MN. 55108
- Provided statewide leadership in the program areas of food, nutrition and health information along with the development and adaptation of educational materials and strategic planning with the Minnesota Extension Service. Developed computer-based information system for intra- and interstate network.
 - Developed state programs on the relation between healthy lifestyles and questionable health practices. Served as interface and advisor to the media and government agencies.
 - **Founder & President:** Minnesota Council Against Health Fraud, Inc., an all-volunteer, non-profit agency. Served as official spokesperson for the organization in presentations as well as in all media contacts.
- 1977-1984 **RESEARCH ASSISTANT; VISITING LECTURER; Research Fellow;** Department of Nutrition, University of California, Davis. (Doctoral Program)
- Research focus on the investigation of the relationship between insulin and obesity by measuring glucose-induced insulin secretion during the development of obesity. Additionally utilized techniques of radioimmunoassay, and body composition determination.
 - Adapted, developed and utilized surgical techniques and apparatus for *in vitro* pancreas perfusion with 2 and 4-week old genetically obese rats.
 - Visiting Lecturer 1980 - 1982: **Introductory Nutrition** (1980-81); **Nutrition Through the Life Cycle** (1980,81,82)

- 1975-1977 **SEA GRANT RESEARCH FELLOW**, Institute of Marine Resources,
Department of Food Science, University of California, Davis. (Masters Program)
- Investigated and reported on seafood toxicology involving commercially-canned products (Scombroid poisoning).
 - Developed laboratory and bioassay assessment techniques, including thin-layer chromatography, and testing with various animal models.
- 1972-1975 **ADMINISTRATIVE ASSISTANT**, Mason-Barron Pathology Labs, Chicago, IL 60641
- Laboratory systems and workflow; Manager of five departments (75 employees) consisting of customer-client relations, nursing home service, general office, specimen processing and dispatch for a large metropolitan reference laboratory.

PROFESSIONAL ORGANIZATIONS

American Institute of Nutrition	Institute of Food Technologists
American College of Nutrition (Fellow)	Association of Food Journalists
NAASO, The Obesity Society (Fellow)	New York Academy of Sciences
Sigma Xi, The Scientific Research Society	Association of Health Care Journalists
National Association of Science Writers	American Association for the Advancement of Science
Northern California Science Writers Association	

BOOKS PUBLISHED

The Really Simple, No Nonsense Nutrition Guide, Conari Press, 1993
Your Personal Nutritionist: Fat and Fiber, Penguin/Signet 1996
Your Personal Nutritionist: Antioxidants, Penguin/Signet 1996
Your Personal Nutritionist: Calcium and the Minerals, Penguin/Signet 1996
Your Personal Nutritionist: Food Additives, Penguin/Signet 1997
Power Nutrition, Signet, Penguin/Signet 1998
The Nutrition Doctor's A to Z Food Counter, Signet, Penguin/Signet 1999

SCIENTIFIC PUBLICATIONS

Blonz, E.R., and Olcott, H.S. Effects of histamine and of aqueous extracts of canned spoiled and unspoiled tuna on *Daphnia magna*. Fed. Pro., 36: 1117, 1977.

Blonz, E.R., and Olcott, H.S. *Daphnia Magna* as a bioassay system for histamine in tuna extracts. Bull.Jap.Soc.Sci.Fsh.,44:5 517-519, 1978.

Blonz, E.R., and Olcott, H.S. Effect of histamine, putrescine, and of canned spoiled tuna on growth in young Japanese Quail. J.Fd. Sci 43:5 1390-1391, 1399, 1978.

Blonz, E.R., and Olcott, H.S. Effects of orally ingested histamine and/or commercially canned spoiled skipjack tuna on pigs, cats, dogs, and rabbits. Comp. Bioch. Physiol. 61C:161-163, 1978.

Blonz, E.R. Histamine toxicity from fish: bioassay. Am.Chem.Soc.(Ag.Fd.Chem. Div.) Annual Meeting (abs), 1978.

Blonz, E.R., and Stern, J.S. Fad Diets and Obesity, in Contemporary Issues in Clinical Nutrition, vol. 2, Controversies in Nutrition. L. Ellenbogen, ed., Churchill Livingston, N.Y., 1981.

Blonz, E.R., Curry, D.L., and Stern, J.S. Insulin release in perfused pancreata of 2 and 4-week Zucker obese and lean rats. Fed. Pro. 42:3 587, 1983.

Blonz, E.R., Judith S. Stern, and Donald L. Curry. Dynamics of pancreatic insulin release in young Zucker rats: a heterozygote effect. Amer. J. Physiol. 248: E188-E193, 1985.

Blonz, E.R. Is there an epidemic of Chronic Candidiasis in our midst? JAMA 256:22, 3138-3139, 1986.

Blonz, E.R., D.L. Curry, and J.S. Stern. Diet composition during suckling alters growth and insulin release by 4-week lean and obese rats. Nutrition Reports International 37:2, 379-386, 1988.

Blonz, E.R. You are what you ate: The Biosetpoint Hypothesis. Med Hypotheses. 2006 67(2):270-5.

Attachments

Attachment 2: A ten-page printout out of a website advertisement titled

“breakingnewsat6_2011_3_10” Each page has the following information
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<http://www.breakingnewsat6.com/health/20258769/>

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Advertorial

Thursday, March 10, 2011

NEWS
ALERTS



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"Acai Berry Diet trend
uncovers steps to
weightloss success"



James Field
"Acai Berry Diet,
Is it a scam or not?"

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1 Trick For a Tiny Belly: Reporter Loses Her "Belly" Using 1 Easy Tip

As part of a new series: "Diet Trends: A look at America's Top Diets" we examine consumer tips for dieting during a recession

Thursday, March 10, 2011

» RELATED VIDEOS

[Acai Berry](#): Fox35
Special Report

AS SEEN ON:



Julia investigates the
[Acai Berry](#) diet to find out
for herself if this super
diet works.

An exotic new superfruit called '[Acai Berry](#)' has quickly become the hottest new way to lose weight, much more so than the traditional [Acai Berry](#) which offers little to no weight loss. The Acai Super Fruit that you take as a supplement to lose weight, has been getting a lot of international attention. And like you have probably already seen; they are all over the internet in blogs and success stories of people who have apparently used the pills and lost a ton of weight.

But we here at News 6 are a little skeptical and aren't sure that we've seen any real proof that these pills work for weight loss. So we decided to put these products to the test. What better

way to find out the truth than to conduct our own study?

To get started, I volunteered to be the guinea pig. I applied for a bottle of the [Acai Lipo](#). While there are tons of Acai berry ads online, [Acai Lipo](#) is one of the most credible and trustworthy suppliers on the market. It included the free trial of the product and it did not try to fool me into agreeing to additional hidden offers. Another reason why I chose [Acai Lipo](#) is because it is the most concentrated and purest acai products on the market. This would give me the most accurate results for my test.

Here is what Acai Lipo claimed on their website...

- Accelerates Fat Loss
- 4 Times More Weight Loss Than Diet And Exercise
- Boosts Energy
- Rich in Antioxidants

We were pretty skeptical, but wanted to find out for ourselves if this product could actually do everything that it claimed. Most of the success stories talk about combining [acai berry](#) with colon cleansing products to achieve maximum weight loss. I decided to do the same. The idea behind combining the products is that while the [Acai Berry](#) encourages weight loss and increases energy, the colon cleanse helps rid your body of toxins and allows your body to work and burn calories more efficiently. I chose [Max Cleanse Pro](#) to test.

Here is what Max Cleanse Pro claimed on their website...

- Helps Eliminate Bad Toxins that have Built Up Over the Years
- Removes 'Sludge' from the Walls of the Colon
- Helps Get Rid of Gas and Bloating
- Helps to Regulate the Metabolism



Studies show Acai Berry
dissolves an average of 12.3
pounds of fat every 28 days

Julia Miller, our Health and Diet columnist, recently put the [Acai Diet](#) to the test. After four weeks of testing the effects of America's Newest Superfood combined with a Colon Cleanse, she has reached the conclusion to what this diet is all about, and the results were surprising.

She lost 25lbs in 4 weeks.

The benefits of the Acai berry diet beat all of our initial skepticism. We found the diet not only with weight loss, but it seemed to boost energy levels, and also helped Julia sleep better and to wakeup more rested.

Step 1:

First get [Acai Lipo](#)
Use our exclusive promo code "**news6**" and
pay only **\$1.50!**

Step 2:

Then get [Max Cleanse Pro](#)
Use our exclusive promo code "**cleancolon**"
and pay only **\$4.95!**

****This is key. Use both for results like Julia**

Free trials expire on March 11, 2011

Weather



Acai Health Benefits. America's
#1 Superfood. Look younger and
Live Longer and Healthier.

The Real Dangers of
having a Toxic Colon

Special CBS new report on the
importance of colon health. Why
it's important to remove toxins
from your colon.

» ADVERTISEMENTS

**Claim your
RISK FREE
Trial Offer**



CLICK HERE

And the Max Cleanse Pro, like the [Acai Berry](#), had a free trial with a 100% satisfaction guarantee and had no hidden offers.

Putting Acai to the Test

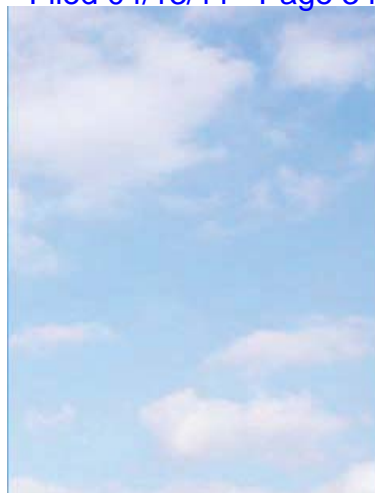
Both the [Acai Lipo](#) and [Max Cleanse Pro](#) arrived within 4 days of having placed my order online for the free trials.

The bottles I received held a month's worth of pills which worked out perfect as I was to follow the supplement routine for 4 weeks time and document my progress throughout.

My Test

4 Week Acai Berry Diet: Acai Lipo + Max Cleanse Pro

- [Take one Acai Lipo pill per day](#)
- [Take one Max Cleanse Pro pill per day](#)



[Weather Forecast](#) | [Weather Maps](#) | [Weather Radar](#)

My Results

Week One

After one week on the diet using both products I was surprised at the dramatic results. My energy level was up, and I wasn't even hungry, an apparent side effect of the [Acai Berry](#) which curbs the appetite.

I honestly felt fantastic.

And I didn't even change anything about my daily routine. On day 7 I got on the scale and couldn't believe my eyes. I had lost 9 lbs. But I still wasn't convinced as they say you lose a lot of water at the beginning of any diet. I wanted to wait and see the results in the upcoming weeks. But it sure was looking up! I now weighed under 140 lbs for the first time in years!

Week Two

After two weeks of using both supplements, I started the week off with even more energy and was actually sleeping more soundly than before. I was no longer waking up during the night and tossing and turning because my body was actually able to relax (this is a result of getting rid of the toxins I think). Plus I still managed to lose another 7 lbs, putting me at an unbelievable 16 lbs of weight loss, in just 2 weeks.

I must admit that I'm starting to believe that this diet is more than just a gimmick.

Week Three

After 3 weeks all my doubts and skepticism had absolutely vanished! I am down, 2 full dress sizes, after losing another 6 lbs. And I still have a ton of energy. Quite often, around the third week of other diets, you tend to run out of steam. But with the Acai Lipo and Max Cleanse Pro diet my energy levels don't dip, but remain steady throughout the day. I no longer need that cat nap around 3pm in the afternoon! And I am even noticing that my stomach is digesting food so much better. No bloating or embarrassing gas after I eat!

Week Four

After the fourth week, my final results were shocking. I lost an unbelievable 25 lbs since starting the [Acai Lipo](#) and Max Cleanse Pro diet! Actually everyone at News 6 is kicking themselves for not having volunteered to be the guinea pig. Using the Acai Lipo and Max Cleanse Pro in week 4 I lost 3 more lbs. But to be honest I really didn't have much more than that left to lose. Given the results and the added health benefits I will continue to use the products indefinitely!

I couldn't be any happier with the results.

I Lost 25 lbs in 4 Weeks, No Special Diet, No Intense Exercise



» Weight Loss Tips

1. Set a goal. Identify your ideal weight and set up a plan to start reaching your goal.
2. Don't be afraid to ask for and get help. You're not going to lose weight alone. Tell you family. Get support.
3. Vitamins are good for you. The American diet lacks essential vitamins and minerals. Balance your health with the best supplements.
4. Walk the Walk. You burn calories when you walk, did you know that? Keep active and balance your diet with regular exercise.
5. Sleep it off. To be an efficient fat-burning machine, your body requires at least eight hours of sleep a night. If you think that you're doing yourself a favor by sleeping less, you're mistaken.

Conclusion: Like us, here at News 6, you might be a little doubtful about the effects of this diet, but you need to try it for yourself; the results are real. After conducting our own personal study we are pleased to see that people really are finding success with it (myself included :)). And you have nothing to lose. Follow the links to the free trials I have provided and know that you are getting a quality product that works; no strings attached!

Good luck with your weight loss,
- Julia Miller

[Click Here To Get A Free Trial Of Acai Lipo](#)

Use our exclusive promo code "**news6**" and pay only **\$1.50!**

[Click Here To Get A Free Trial Of Max Cleanse Pro](#)

Use our exclusive promo code "**cleancolon**" and pay only **\$4.95!**

Free trials expire on March 11, 2011

Would you like to share a consumer tip for next week? If so, please send us an e-mail!

Comments (10 out of 177)

Read Responses For: "Diet Trends: A look at America's Top Diets" - Julia Miller Report

Diane says: 11:33 AM Wednesday, March 9, 2011

My friends and I have all been waiting for the [acai diet](#) to hit the news. Atleast 5 of us have all done the acai diet (costing us upwards of \$300+) and we all lost a bunch of weight. This stuff truley is incredible and has changed all of our lives. Good luck to everyone who takes advantage of this wonderful opportunity

Michelle says: 12:58 PM Wednesday, March 9, 2011

I saw this report on tv the other day and was amazed at the results. I am getting married next month so the timing couldn't have been better!! thanks for the tip!

Jen says: 1:54 PM Wednesday, March 9, 2011

I've gone ahead and ordered my free trials. I can't wait to get started and see what happens.

Stephen says: 4:24 PM Wednesday, March 9, 2011

I've been seeing acai diets all over. I even heard my mom talking about this diet a few days ago since one of her friends has lost like 12 lbs in the first 15 days! I definately have to try this, thanks.

Julia says: 5:16 PM Wednesday, March 9, 2011

Yay! glad to see it's helped and that my story is getting out there! good luck!

Davis says: 6:05 PM Wednesday, March 9, 2011

This stuff is amazing! My best friend Jessica did the same diet and lost an incredible amount of weight.. i couldn't believe it and had to do some research on my own which is how I found this news article. I can't believe they are offering free trials! I know Jessica spent something like \$600 and was thrilled.. imagine how excited she would be if it cost her under \$10.00. This is a godsend, thanks so much!!

Damo says: 7:17 PM Wednesday, March 9, 2011

I've been struggling my whole life with my weight and I really hope this is the answer. I've gone ahead and ordered the free trials and signed up to the gym aswell. I really hope to lose atleast 50 pounds before the end of the year.

Amy says: 7:38 PM Wednesday, March 9, 2011

TRO Exh. 3, p. 000274

Hey Julia, i just ordered my free trials. I can't wait to get them!! Thanks, Amy xoxoxo

James says:8:31 PM Wednesday, March 9, 2011

My wife used both these products, and the change in her is remarkable. She looks and feels wonderful and we are BOTH grateful!

Wanda says:9:45 PM Wednesday, March 9, 2011

A friend of mine did the Acai Lipo diet and recommended it to me 3 weeks ago. I ordered the products and received them within 3 days (although I didnt get the discounted shipping). The results have been incredible and I can't wait to see what weeks 3 and 4 bring.

Leave A Reply

Comments will appear after approval by our editorial team. Thank you.

Name:

City:

Email:

Message:

Submit

TERMS AND CONDITIONS CAREFULLY READ AND AGREE TO PURCHASE TERMS BELOW BEFORE ORDERING:

BreakingNewsAt6.com is an affiliate website, owned by UptownMedia, Inc. representing products available from "Acai Lipo" and "Max Cleanse Pro" health supplement products. UptownMedia, Inc. does business out of the USA and can be reached via breakingnewsat6@yahoo.com. We want you to be satisfied with your purchase, however it is important to realize that we do not manufacture nor fulfill your order. If you have specific product questions you should contact the company responsible for that product. For billing inquiries, refunds, or complaints, you can contact Acai Lipo at 1-800-614-0737 and Max Cleanse Pro at 1-800-614-0737.

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It is important to note that this site and the comments/answers depicted above is to be used as an illustrative example of what some individuals have achieved with this/these products. This website, and any page on the website, is based loosely off a true story, but has been modified in multiple ways including, but not limited to: the story, the photos, and the comments. Thus, this page, and any page on this website, are not to be taken literally or as a non-fiction story. This page, and the results mentioned on this page, although achievable for some, are not to be construed as the results that you may achieve on the same routine. I UNDERSTAND THIS WEBSITE IS ONLY ILLUSTRATIVE OF WHAT MIGHT BE ACHIEVABLE FROM USING THIS/THESE PRODUCTS, AND THAT THE STORY/COMMENTS DEPICTED ABOVE IS NOT TO BE TAKEN LITERALLY. This page receives compensation for clicks on or purchase of products featured on this site.

*S&H charges do apply. Results will vary by person, and the special offers may only be available for a limited time. Some of the products described on this site have terms regarding continued billing after the trial period ends. This is referred to as negative option, or continuity billing. Therefore, it is important to ensure that you are fully aware of the terms associated with each product before you order. To make this easier for you, we have included links to the billing terms for each of the products below. Please keep in mind that these are separate companies and we are not the best source for information about orders or specific policies. Because these companies control their own policies, shipping and other fees may change periodically. We have linked away from our website directly to their terms and conditions pages. For the Acai Lipo terms and conditions, please [click here](#). For the Max Cleanse Pro terms and conditions, please [click here](#).

*Acai Lipo T&C (the following was taken directly from their website): 5.3.4 When you enroll in our membership program ("Program"), we will charge the card you provide the activation fee specified on the order checkout page and send you a trial supply of the product. If you contact customer service to terminate your trial enrollment within seven (7) days of the date that you enroll in the Program, you will not receive any additional product and you will not be charged anything else. Your enrollment date is the date that you submit your order for the trial product. If you do not cancel within seven (7) days of the date that you enroll in the Program, we will charge the same card you provided at enrollment the one time membership fee of \$87.91 ("Membership Fee"). Then, beginning about thirty (30) days after enrollment in membership program we will send you a fresh monthly shipment of the product and charge your card \$87.91 ("Monthly Charge") when each supply ships. You can cancel monthly shipments and avoid further Monthly Charges at any time by contacting customer service at info@lean195Select any time. To receive a refund you must return the unopened merchandise in its original packaging to our fulfillment center address listed as the return address.

*Max Cleanse Pro T&C (the following was taken directly from their website): 5.3.4 When you enroll in our membership program ("Program"), we will charge the card you provide the activation fee specified on the order checkout page and send you a trial supply of the product. If you contact customer service to terminate your trial enrollment within seven (7) days of the date that you enroll in the Program, you will not receive any additional product and you will not be charged anything else. Your enrollment date is the date that you submit your order for the trial product. If you do not cancel within seven (7) days of the date that you enroll in the Program, we will charge the same card you provided at enrollment the one time membership fee of \$87.91 ("Membership Fee"). Then, beginning about thirty (30) days after enrollment in membership program we will send you a fresh monthly shipment of the product and charge your card \$87.91 ("Monthly Charge") when each supply ships. You can cancel monthly shipments and avoid further Monthly Charges at any time by contacting customer service at info@MaxCleansePro any time. To receive a refund you must return the unopened merchandise in its original packaging to our fulfillment center address listed as the return address.

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Acai Berry Supplement
#1



AcaiLipo™
DIET TRACKER

Acai, As Seen On And Discussed In The News!

4 WEEKS to your best body ever
Start Today **Order Now!**

Melt Away Fat!
WITH AN ADVANCED ACAI BLEND!*



- ✓ **Feel** And Look Thin All Year!*
- ✓ **Jumpstart** Your Metabolism*
- ✓ **Burn** More Calories Now*
- ✓ **Helps** Improve Digestion*
- ✓ **Get** Slimmer Today*



ACT NOW TO CLAIM YOUR TRIAL ORDER

HURRY! ONLY WHILE SUPPLIES LAST
TRIALS ARE VERY LIMITED

TELL US WHERE TO SEND YOUR
TRIAL ORDER

First Name	Last Name
<input type="text"/>	<input type="text"/>
Address	Apt/Suite#
<input type="text"/>	<input type="text"/>
Zip Code	City
<input type="text"/>	<input type="text"/>
State	Country
<input type="text"/>	<input type="text"/>
Phone	Email
<input type="text"/>	<input type="text"/>

(For shipping company) (We respect your privacy)

RUSH MY TRIAL ORDER

I agree to the privacy policy and Terms & Conditions.*

HURRY! ORDER NOW!

Satisfaction Guaranteed 100%

Secure and Safe Transactions

Acai Weight Loss Plan is your Slim Down Secret.*
Burn More Calories By Tomorrow and Build Your Best Body Ever.*

Get Your Best Butt

The easy and simple way to get a firmer, rounder, more shapely butt.*

Guilt Free Foods

Indulge in your certain favorite foods at times and still lose weight.*

So Long Cellulite

Finally a plan that can help shrink those unwanted stubborn bumps.*





The Acai Weight Loss Plan Does it All... FAST!*

BODY SCULPTING

- ✓ Flat Abs*
- ✓ Sleek Legs*
- ✓ Toned Arms*

ACAI BENEFITS

- ✓ Stop Food Cravings*
- ✓ Metabolism Booster*

BONUS ACCESS

- ✓ Low Calorie Meals
- ✓ Activity Logs

Get a **Celebrity Looking Body** Today!

RECEIVE \$1,500.00

SEND US YOUR OWN "BEFORE AND AFTER" photos and receive \$1,500.00

If we use your case testimonial we'll pay you \$1,500 on the spot!



Weight Loss Journal

Efficient Fat Burner

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You Too Can *Get Thin* this **NEW YEAR!**

Sculpt your Booty and Melt Away Tummy Fat with an Optimum Combination of Weight-Loss Ingredients*



Acai

The Acai berry comes from a species of palm tree native to the Central and South American rain forests. Studies have shown that the Acai berry is considered to be one of the richest fruit sources of antioxidants. (1)



Green Tea Extract

Herbal derivatives from green tea leaves contain many antioxidants primarily known as green tea catechins (GTC).(3) EGCG has been shown to be a natural product for the treatment of obesity.



Garcinia Cambogia

a small fruit that resembles a miniature pumpkin. It has been studied for both appetite suppression and fat loss. It is indigenous to India and parts of Asia.



Apple Cider Vinegar

Apple Cider Vinegar has been used for weight loss for thousands of years. White vinegar helps people feel full.



Kelp

Kelp has been used in China for over 5,000 years. In the 1860's it was discovered that some seaweeds serve as hypermetabolic thyroid stimulants and since have been used for weight loss.



Grapefruit

Grapefruit contains phytochemicals including limonoids and lycopene.(10) Grapefruit antioxidants help the body fight off free radicals and helps promote overall good health.



The Media is **SOLD** on Acai



News MEDIA

Acai berries are among the most nutritious foods of the Amazon, rich in B vitamins, minerals, fiber, protein and omega-3 fatty acids. Acai berries also contain oleic acid (omega-9), a beneficial fatty acid (often mistakenly referred to as essential).

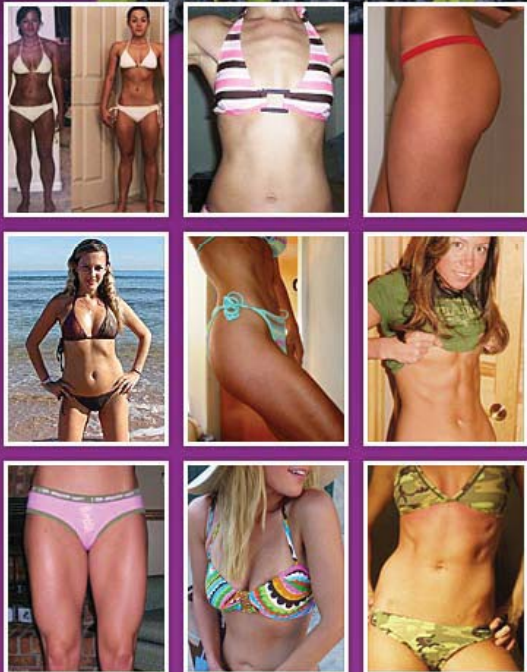
News MEDIA

Studies show that the acai berry is one of the most nutritious foods in the world. Acai pulp contains 10 times more antioxidants than red grapes and 10 to 30 times the anthocyanins of red wine; a synergy of dietary fiber and phytosterols to help promote cardiovascular and digestive health.

News MEDIA

Acai is packed full of antioxidants, amino acids and essential omegas. The pulp also contains a concentration of antioxidants, to help combat premature aging, with 10-30 times the anthocyanins of red wine. Acai has an almost-perfect essential amino acid complex vital to proper muscle contraction and regeneration.

Change Your Body with **ACAI!**



Acai Weight Loss Plan is your Slim Down Secret.*
Burn More Calories by tomorrow & Build your Best Body Ever!*

Results not typical. On the acai plan, you can expect to lose at least 1-2 lbs per week. Individual endorsements are remunerated.

ACAI BERRY SUPPLEMENT
#1

SATISFACTION GUARANTEED
100%

CLAIM YOUR TRIAL ORDER!

LOSE WEIGHT
This Month with
ACAI!

HURRY! ONLY WHILE SUPPLIES LAST - TRIALS ARE VERY LIMITED

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* The statements made on our websites have not been evaluated by the FDA. This product is not intended to diagnose, cure or prevent any disease. Consult your health care professional before beginning any weight loss or exercise program. Acai Lipo is not sponsored, affiliated or endorsed by ABC News, Washington Post, CBS News or Web MD and all trademarks on this website whether registered or not the property of their respective owners. By following The Acai Lipo Diet Tracker which includes exercise and a calorie reduced diet, typical weight loss is 1-2 lbs per week.

MaxCleansePro

All Natural Colon Cleanser

Nothing can go wrong with the
ALL NATURAL

Probiotic Colon Cleanser

MaxCleanserPro will help you:

- ✓ Flush out Waste Products
- ✓ Get a Flatter + Firmer Body
- ✓ Boost your Energy + Health levels
- ✓ Reduce Excess Water Weight

Pick up your Free Bottle Today!

GET YOURS NOW - WHILE STOCK LASTS!

As Seen On



**TELL US WHERE TO SEND
YOUR BOTTLE TODAY!**

First Name:

Last Name:

Street Address:

City: Los Gatos

State: California

Zip Code:

Country: United States

Phone:

Email:

RUSH MY ORDER



LIVE CHAT
24/7 SUPPORT



128 BIT SSL
SECURE SITE

Do You Experience 1 or 2 of the following?

IT'S TIME TO DETOXYFY!

Occasion Lethargy
Stomach Bloating
Irregularity
Metallic Taste Buds
A Weak Immune System

Foul Breath
Irritation
Unusual Food Cravings
Excessive Weight
Lack of Concentration

Upset Stomach
Indigestion
Belly Protrusion
Temperamental Headaches
Loss in Appetite



WISH YOU FELT HEALTHIER?

MORE ACTIVE? GOOD ABOUT YOUR BODY? CLEAN ON THE INSIDE?

Max Cleanse Pro is the most natural method to relieve your body from all the toxic waste build up. Many health conscious individuals compliment the effectiveness of Max Cleanse Pro with the assurance of probiotic naturalness.

If your body is not cleaned from these toxins, cells are unable to receive nutrients from the blood due to interstitial fluid surrounding your cells. Such form of internal poisoning has side

TRO Exh. 3, p. 000279



effects of depression and abnormal thoughts.

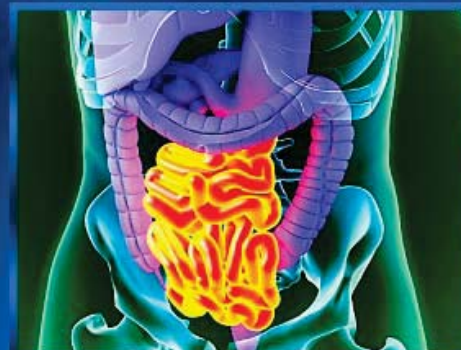
If your bowels aren't cleaned, your body will reabsorb it into the system. Imagine the buildup of toxic wastes over several years.

To be healthy and to stay healthy, use Max Cleanse Pro to regularly clean the insides of your body entirely!

TRY OUR COLON CLEANSER TODAY!

BREAKING NEWS

COLON HEALTH AND MAINTENANCE IS CRUCIAL! AS MENTIONED BY CREDIBLE TV NETWORKS.



It's Time to Feel Great with Health, Energy + Vitality!

TRY IT NOW!

FEEL HEALTHY STAY HEALTHY!



The Average American has a diet focusing on food through pleasure and convenience. This is in contrast to the healthier alternative of a good and healthy diet. The basic ingredients of most main meals comprise of meat and potatoes and although are arguably nutritious, health problems may arise potentially leading to a more drastic consequence.

Such diet strains and pollutes your colon leaving extreme amounts of waste products that are difficult to break down. This is where MaxCleansePro steps in with the promise to clean out your colon!

When talking about Your Colon, Do You Feel...

ARE YOU CLEAN INSIDE?


COLON HEALTH NEWS: IN THE MEDIA

**COLON
HEALTH**

Colon Cleansing helps prevent issues related to your colon such as diseases, infections and cancer which statistics prove to kill over 655,000 people globally. It is crucial to maintain a healthy colon in order to live a healthy life. This importance is often overlooked daily thus building up to an estimation of 150,000 new cases of colorectal cancer in the United States alone!

**COLON
HEALTH**

Not only does maintaining a healthy colon deter from any colon related issues, it allows for the maintenance of a healthy weight whilst generating more energy for your body. MaxCleansePro helps eliminates the toxins from your body allowing your stomach to be flatter and firmer. Not only does MaxCleansePro give that benefit of looking better, it reduces any excess water weight giving you a better feel overall!



NATURAL CLEANSE CYCLE
COUNTLESS PEOPLE USED, TRIED AND TESTED 100% ALL NATURAL CLEANSER!

CLEANSE AND DETOX
RESTORE AND REVIVE

COLON HEALTH

COLON HEALTH

MaxCleansePro promises the elimination of toxic wastes in your body which have been proven responsible of retaining excess fats and water. This in turn changes your lifestyle as a whole by making you feel healthier and be healthier at the same time! A great way to boost up your life with MaxCleansePro!

TRY THE
ALL NATURAL
Probiotic Colon Cleanser Today!
SLIM DOWN & FEEL GREAT!

Get Your Free Trial Today!

CLEAN ON THE INSIDE?
START CLEANING YOUR BODY TODAY!

RUSH MY ORDER



- Flush Harmful Waste Today.
- Get A Flatter, Leaner Body.
- Boost Your Energy and Health.
- Remove Excess Water Weight.

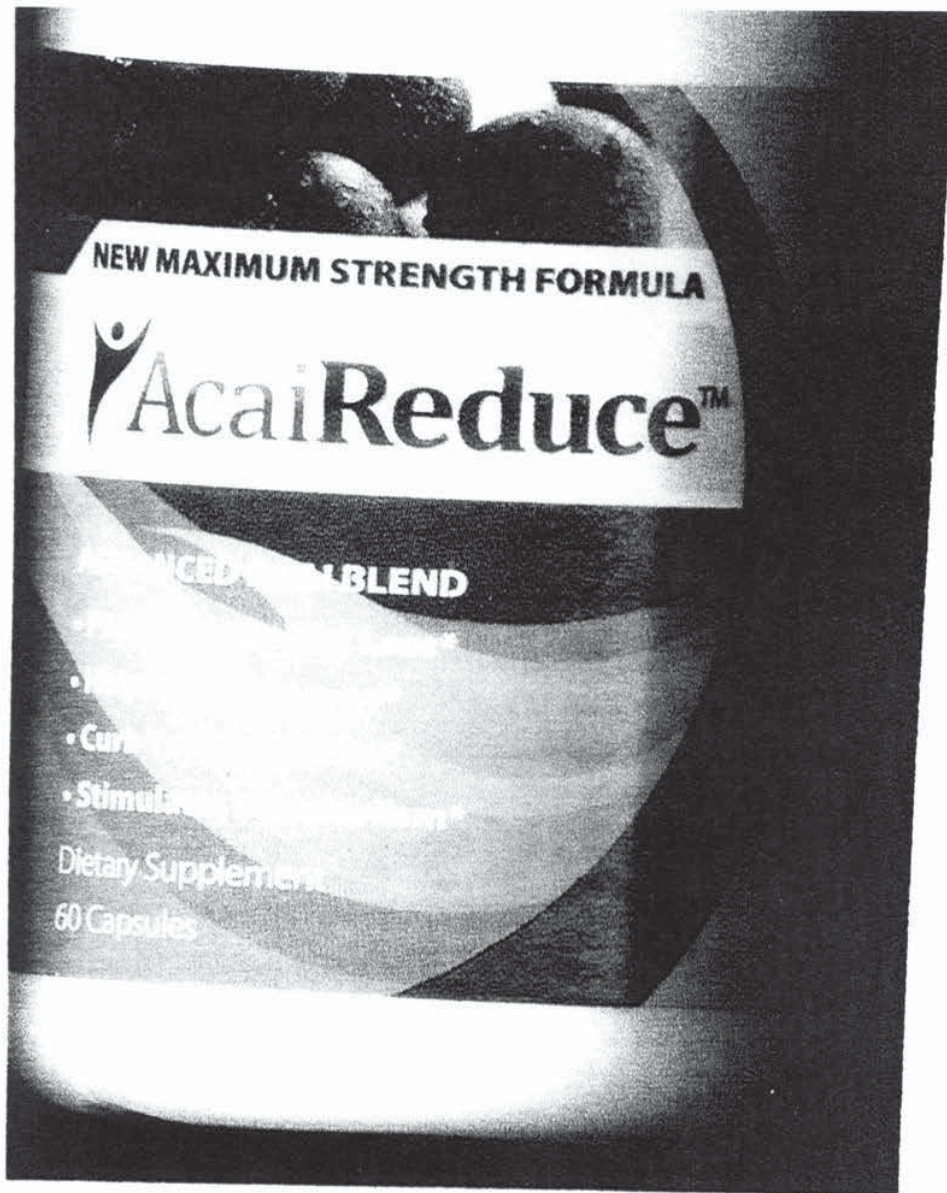
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Attachments

Attachment 3: Photographs of a bottle of Acai Product 1: Acai Reduce (Lot 0111009 Exp
1/13).



Supplement Facts

Serving Size: 2 Capsules
Servings Per Container: 30

	Amount Per Serving	% Daily Value
Acai Fruit (4:1 extract)	250 mg	†
Green Tea Extract	200 mg	†
Garcinia Cambogia (50% HCA)	100 mg	†
Caffeine (anhydrous)	50 mg	†
Apple Cider Vinegar (powder)	50 mg	†
Kelp	50 mg	†
Grapefruit (as powder)	50 mg	†
† % Daily Value not established.		

Other Ingredients: Gelatin, rice flour, magnesium serate and silicone dioxide

Recommended Usage: Take 2 capsules once a day after your morning meal.

AcaiReduce is a remarkable proprietary blend of all natural ingredients that was formulated to jump start your metabolism today.* The AcaiReduce Plan was developed using this unique capsule in combination with a reduced calorie diet and exercise that can help you achieve your weight loss goals.*

***This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.**

LOT/EXPIRATION:

Warning: Not intended for persons under the age of 18 or pregnant or nursing women. If you are taking medications or have a medical condition consult your healthcare professional before taking this product. Store in a cool dry place. Keep out of reach of children. Do not use if safety seal is broken. Do not exceed recommended usage.

Distributed By: BodyScience LLC, Los Angeles, CA
Questions? Visit www.AcaiReduce.com

Made in USA

L9720 3-EXP09/14

Attachments

Attachment 4: Photographs of a bottle of Cleanse Product 2: Max Cleanse Pro (Lot HBPS1109-097, Best if used by Feb 2014).



